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Notes on the Hammurabi Monument. By David G. Lyon, Professor in Harvard University, Cambridge, Mass.

EVERY student of the subject recognizes the excellence of M. Scheil's translation of the Hammurabi Code. As a first attempt at a difficult task its success is above all praise. That there should remain, however, possibility of improved translation in details and of new points of view, Scheil would be the last to question. To call attention to a few such improvements and new points of view is the object of this paper.

### 1. Salmu = Statue in $40^{76}$

The stone on which the code is recorded was set up in Marduk's temple at Babylon, before a statue of the king. That Hammurabi prepared statues of himself in the round we know from a fragment of one now preserved in the British Museum. The inscription on this fragment is bilingual, Sumerian and Babylonian, and the statue to which the fragment belonged was to all appearances seated, like the well known representations of Gudea of a still earlier period.

That the monument containing the code was set up before such a statue, is expressly stated in the inscription (40<sup>74-78</sup>):

a-wa-ti-ya šu-ku-ra-tim
i-na na-ru-ya aš-tur-ma
i-na ma-har salmi-ya
šarri mi-ša-ri-im
u-ki-in,

"I wrote my precious words on my stele, and set (it) up before the statue of myself as king of righteousness."

Scheil renders this passage thus:

<sup>&</sup>lt;sup>1</sup> The first three notes were read on April 7, 1904, at the meeting of the Society in Washington. For sake of convenience the references are to column and line as given in Robert Harper's *The Hammurabi Code*, 1904

<sup>&</sup>lt;sup>2</sup> Translated in Schrader's Keilinschriftliche Bibliothek iii. 110, and in L. W. King's Letters and Inscriptions of Hammurabi iii. 175.

"Mes volontés les plus chères sur ma stèle j'ai écrit, devant mon image de roi de justice je (les) ai placées."

It is not clear whether this translation means, I placed my words (Scheil, 'volontés') before a separate image (or statue) of myself, or before the image or carving of myself at the top of the stele. But apparently the latter is the meaning of the translation. Otherwise Scheil should have rendered salmu not by 'image' but by 'statue,' as he does in 44s, sa-lam ti-ti-im, "statue [or statuette] of clay," and he should have supplied as object to the verb 'I placed,' not 'them,' i. e. 'the words' or 'laws,' but 'it,' i. e. the stele itself. Or to repeat my own rendering, "I wrote my precious words on my stele, and set (it) up before the statue of myself as king of righteousness."

The note to Winckler's translation of this passage¹ leaves no doubt that this scholar sees reference to only one stone, i. e. the stone containing both the inscription and the carving at the top, the latter representing the king standing before the seated figure of the Sun-god. The note reads: "He is represented thereon as 'king of righteousness' (law giver); see the picture." Winckler's translation reads: [ich habe] "meine kostbaren Worte auf meinen Denkstein geschrieben, vor meinem Bildnisse, als des Königs der Gerechtigkeit, aufgestellt."

How Robert Harper understands the passage is uncertain. He renders, "My weighty words I have written upon my monument, and in the presence of my image as king of righteousness have I established." This translation seems to understand the passage as Winckler does.

The version of Peiser's reads: [ich habe] "meine kostbaren Worte auf meine Inschrift geschrieben und vor meinem bild, 'dem König der Gerechtigkeit' aufgestellt"; on which he remarks: "According to this the stele was set up before Hammurabi's picture in relief(?)." This rendering of Peiser's agrees with my own, except in regard to salmu. I have already given reasons for believing that the salmu before which the stele was

<sup>&</sup>lt;sup>1</sup> Die Gesetze Hammurabi's, 1903, p. 40.

<sup>&</sup>lt;sup>2</sup> The Code of Hammurabi, p. 101.

<sup>&</sup>lt;sup>3</sup> Hammurabis Gesetz, by Kohler and Peiser, 1904, p. 100.

placed was a statue, rather than a relief, though the word might be used of either. But the important point is not whether *ṣalmu* was statue or relief, but whether *ṣalmu* was carved upon the stele or was not.

The inscription distinguishes between the *ṣalmu* (statue, relief?) and the *naru* (inscribed stele). The laws were written on the *naru* and this was set up before the *salmu*.

## 2. Kibū, 'to speak, say' (4140).

The passage discussed is followed after a short interval by another (41<sup>3-40</sup>), in which the syntax has not received due attention. The king directs any one who has a suit or complaint to come before his statue (salmu), and read his stele (naru), which will instruct him what his rights are, and will gladden his heart. He then expresses the wish that this man, impressed with what the king has done for him, may cry out in gratitude, "Hammurabi a lord is like a real father to the people," etc. This speech, to be made by the grateful reader of the code, extends from line 20 to line 38, and the whole is object of the verb likbi, 'may he say' in line 40. The failure to note this construction, a favorite construction in the Hammurabi inscription, that of placing the direct object before the verb, even where the object is a long sentence, has brought unnecessary obscurity into this passage.

If the speech (20-38) is not dependent on the verb *likbi*, 'may he say' (40), then there is no verb in the connection on which it can depend. Several interpreters have accordingly in their translations inserted a verb before the speech (Scheil, Winckler, Harper).

Correctly construed, however, the passage is not obscure. The successive steps are as follows: May the man who has a complaint 1) come before my statue (6), 2) read my inscribed stele (li-iš-ta-as-si, 'let him read,' from šasū, 11). 3) As a result, understand his case and rejoice. 4) May he say (40, likbi), Hammurabi is a real father, etc. 5) May he then pray before Marduk and Zarpanit. 6) May the gods then be favorable to him.

All interpreters have cut off the verb *likbi* (40), 'may he say,' on which the speech depends, and have constructed it with the word before it into a separate sentence. Thus, Scheil:

da-ni-tum "le document li-ik-bi qu'il épèle!"

Winckler: "Wenn er die Urkunde gelesen." Harper: "Let him read the code." Peiser: "Die Urkunde möge er vortragen." These renderings are all wrong, because all based on a dismemberment of the sentence. That they are wrong appears further from the facts that kiba, "to speak, to say," often used in the code, never elsewhere in the inscription, means 'to read,' and that to render 'read' here is to repeat what was already said in line 11, lištassi, 'may he read.' Still further, this dismemberment leads to the creation of a new word, da-ni-tum, 'document, Urkunde, code,' as the object of likbi.

Apparently those who so read derive danitu from the stem danu 'to judge,' which with its derivatives, danu, 'a judge,' dinu, 'judgment, case,' danatu, 'judgment, judgeship,' occurs many times in the inscription. Nowhere else do we meet the form da-ni-tum. There is indeed doubt as to the reading, whether the first sign be really da or id. Scheil transliterates as da. The photographic reproduction looks more like id with a scribal correction to da.

Whether we should read da or id, or whether the three signs read by Scheil as da-ni-tum should be otherwise combined, it seems to me most probable that they contain or conceal some adverb of manner, telling how the reader is to cry out, Hammurabi is a father, etc. If da be correct, I would suggest reading: da-ni-tam (for dannitam, from dananu, 'to be mighty'; cf. ir-ri-tim da-ni-a-tim, 'mighty curses,' 44 s, understanding it as equivalent to dannis, 'mightily,' or, in this connection, 'with a loud voice.' The passage would thus mean: May he come before my statue, read my inscription, rejoice in heart, and cry aloud, Hammurabi is a real father, etc.

# 3. Pî Matim, 'Language of the Land'=Vernacular (5<sup>22</sup>).

This expression occurs in the brief paragraph which precedes, as it were introduces, the code. The passage reads: "When Marduk sent me to govern the people, to bring help to the land, I established right and justice *i-na ka ma-tim*, I brought good fortune to the people." So, without essential variations all translators, except in regard to the words which I have not ren-

dered, i-na ka-ma-tim (reading of Scheil, who renders, 'dans la contrée'; and Peiser, who renders 'ringsum(?)'). By treating ka as an ideogram, we should read *i-na*  $pi^1$  ma-tim. Winckler, 'in den Mund der Leute'; and Harper, 'in the land.' Scheil and Harper in their translations seem to ignore the ka or pi. Peiser's reading ka-ma-tim is evidently derived from kamú, 'to surround.' Winckler only seems to consider the word important. If I mistake not, it is a very important word in this connection, for it seems to me to say that Hammurabi set up a system of law in the vernacular, in the mouth, or speech, or language of the land. I should therefore render the sentence in which ina pi matim occurs, "I established law and justice in the language of the land." The meaning would accordingly be, not, I taught the people righteousness, as Winckler's rendering, "I have placed right and righteousness in the mouth of the people," would seem to imply; but, I set up a system of law and justice in the language of the land, i. e. in Semitic Babylonian, not in Sumerian; spelled out syllabically, not written in ideograms, so that it could be understood by common people as well as by scholars.

That this is precisely what Hammurabi did is evident from the code itself. That he should appreciate the merit of his action and should state it distinctly as an introduction to his code, cannot be a matter of surprise. That many of these laws existed before his day we need not question, but they probably existed for the most part in Sumerian, the language of the scholar. His chief merit is that he codified the law, and above all, by giving it a Semitic form, made it universally accessible.

That these statements are not unfounded conjecture will appear from some further considerations. It is an interesting fact that we have from the library of Assurbanipal copies of a good many of the laws of the Hammurabi code, agreeing for the most part literally with the original. It is a more interesting fact that from the same library have come the so-called Sumerian family laws, relating to denial of father or mother by

¹ The sign ka might also be read lisanu, 'tongue,' though pi (n) is more common than lisanu in the meaning 'language.'

<sup>&</sup>lt;sup>2</sup> See Bruno Meissner, Altbabylonische Gesetze, in Beiträge zur Assyriologie iii. 493-523.

a son, rejection of a son by a parent, rejection of husband by wife or vice versa, and the hiring of slaves. These laws are not dated, but the external form, the vocabulary, the syntax, the archaisms, the subjects treated, all suggest the period of Hammurabi, though the penalties imposed in the particular cases do not agree with those of the code. Moreover, these laws relating to the family are in a double recension, Sumerian and Babylonian. They doubtless represent usage before Hammurabi's time, or at the beginning of his reign. A comparison of these laws with those of the code dealing with the same subjects is instructive.

Such comparison shows what great thing it was which Hammurabi did. He amplified and modified existing usages and laws, and issued his code in the vernacular. It thus became the law of the kingdom, and no doubt set aside other and diverse systems which had prevailed in the various little kingdoms of the Babylonian valley. This law constituted a strong bond of union, and was one of the elements in the stability and power of Babylon. One of its great virtues was its appearance in a Semitic dress. The code indicates high attainment in the idea of right and order. Its promulgation in the vernacular added greatly to its usefulness. This was an act comparable to the translation of the Bible from a language understood only by priests and scholars into languages understood by uneducated peoples, and was in its way no less influential.

# 4. Kinātim šarāku='To communicate laws' (41°).

We have seen how the code arose. Another question is, how Hammurabi represents the origin of the code. Is this great work done by unaided human wisdom, or does he consider the code as divinely communicated, and if so by what god? The references to this subject all occur, if I mistake not, in connection with mention of the sun-god Šamaš, or of the words kittu, kinātu and mišaru.

Šamaš is mentioned by name nine times. In the Prologue the king rises like Šamaš to illumine the land (1<sup>40</sup>), he is obedient to Šamaš (2<sup>23</sup>), he restores the temple of Šamaš his helper (2<sup>35</sup>), and

<sup>&</sup>lt;sup>1</sup> For the original text see Delitzsch, Assyrische Lesestücke, ed. 4, p. 115.

he even styles himself the mighty king, the Šamaš of Babylon (5<sup>4</sup>). In the Epilogue he prays that by the command of Šamaš he may cause right to shine in the land (40<sup>84</sup>), he is the king of right to whom Šamaš has communicated the laws (41<sup>97</sup>); he prays that Šamaš may prolong his good successor's reign as king of right and may lead his people in the right (42<sup>14</sup>), or as great judge of heaven and of earth, who leads all creatures aright, the lord of help, may do the opposite for an evil successor, overthrowing his rule, not helping him at law, watching his path with enmity, overthrowing his army, revealing an evil omen of the overturning of his throne and the ruin of the land, seizing him speedily with a dreadful curse, snatching him away from the living on earth, and depriving his ghost of water below, within the earth (43<sup>14-40</sup>).

Kittu 'right, law,' pl. kinātu, is mentioned as follows: "I established kittu and mišaru in the vernacular" ( $5^{20}$ ). In connection with the work of restoring Anunit to her temple in Agane, he causes laws (kinātim) to shine forth and leads the people aright ( $4^{80}$ ). The only other passage with this word has already been adduced, Šamaš communicates to him kinātim "laws" ( $41^{87}$ ).

The other word for right, righteousness, mišaru, occurs more frequently. Some of the passages have been quoted in connection with Šamaš. The others now follow. Anu and Bel appoint him in order to cause right to shine forth in the land, etc. (1<sup>32</sup>). He calls his code 'laws of righteousness' (40<sup>2</sup>), 'words of righteousness' (41<sup>65</sup>), himself 'king of righteousness' (40<sup>77</sup>, 41<sup>7,86</sup>, 42<sup>18</sup>), and prays that Šamaš may lead his good successor ina mišarim, 'in righteousness' (42<sup>17</sup>).

There are other references to the code in connection with the stems danu, awatu and naru, but it is not necessary to give all of these, since they do not associate the origin of the code with any deity. But the many passages which I have quoted settle the question that for Hammurabi, Šamaš, the great judge of heaven and of earth, is the source of his code. There seems, therefore, no reason to doubt that the bas-relief on the stele, representing Hammurabi standing before Šamaš, the latter seated on his throne, his feet resting on a mountain, is meant to picture the giving of the law. The parallel of Exodus 19 and 20 will occur to every one.

We must now examine more closely the passage which expressly states that Šamaš gave the laws to Hammurabi (41°7). The passage is clear and simple, but seems not hitherto to have been understood. It has been rendered thus:

Scheil: "Hammurabi, king of justice, to whom Šamaš has granted rectitude, am I."

Winckler: "I am Hammurabi, the king of righteousness, to whom Šamaš has given das Recht." This translation is not inconsistent with my own. All depends on Winckler's understanding of das Recht, kinātim.

Peiser: "I am Hammurabi, the king of righteousness, to whom Šamaš has given truth (Wahrheit)," etc.

Harper: "Hammurabi, the king of righteousness, whom Šamaš has endowed with justice, am I," etc.

The text is: <u>Ha-am-mu-ra-bi šarri mi-ša-ri-im ša ilu Šamaš ki-na-tim iš-ru-ķu-šum a-na-ku</u>, and the correct translation: "I am Hammurabi, king of righteousness, to whom Šamaš has given [=communicated] the laws."

The important word is *kinātim*. As to *šarāķu*, 'to give, present,' whence *išruķu*, this stem occurs often in the code, and is used, e. g., of Bel's gift to Hammurabi of the rule over men. *Šeriktu* is the gift to a bride from her father on her marriage.

Now this kinātim does not mean in this connection 'rectitude' (Scheil), nor 'das Recht' in abstract (Winckler?), nor 'Wahrheit' (Peiser), nor 'justice' (Harper), but 'laws,' or 'the laws.' As to its form, it is the simple plural of kittu from kintu, 'right, law,' like libnāti from libittu, 'brick,' šunāti from šuttu, 'dream,' šanāti from šattu, 'year.'

If further evidence of the correctness of this interpretation be asked for, it is furnished by the context. After saying that Šamaš gave him the laws, he adds awātua nasga, "my words are splendid." What words? Any words which he utters? No. But the words of this code. The phrase occurs one other time, in immediate connection with the code (40°), where the king says, "I wrote my precious words [awāti again] on my monument . . . . , and I placed it before the statue of myself as king of righteousness, I, the king who is all powerful among the city kings. My words are splendid, my wisdom unrivalled." He then proceeds to pray to Šamaš that right may prevail in the land.

The interpretation of these two passages turns on the meaning of awatua, 'my words,' and the point is so important that it may be well to present all cases of the use of the word awatu on this monument. It occurs eighteen times. In the code proper it occurs but twice, meaning 'declaration, statement at law' (5<sup>62</sup>), 'testimony' (7<sup>28</sup>). In the Epilogue there are three cases of its occurrence in col. 40, seven in col. 41, five in 42, and one in 43, a total of sixteen occurrences. The meaning in fourteen of these cases is perfectly clear. Twice it means 'case, suit, cause at law' (414, 4115); once 'prayer or affair' (4290); three times 'command' by a god (4069, 4125, 4331); eight times it means the words of the code  $(40^{74}, 41^{12}, 41^{84}, 41^{78}, 42^{3}, 42^{7}, 42^{19}, 42^{29})$ , in such expressions as, "My precious words I wrote" (4074), "Let him hear my precious words" (4112), "Words of righteousness which I have written" (4164), "Words which I have written on my stele" (4178, 428, 4219), "If he disregard my words" (42<sup>29</sup>), "If he do not disregard my words" (42<sup>7</sup>).

In these eight passages the king calls his code 'words' three times, 'words of righteousness' once, 'my words' twice, 'my precious words' twice, and these terms never mean anything but the code. The presumption, therefore, in the two remaining passages (40<sup>81</sup>, 41<sup>99</sup>) is that the expression "my words are splendid" refers likewise to the code, and taken in the context they can have no other reference. It will suffice to quote the two passages in the context.

(40<sup>70-81</sup>) "I wrote my precious words on my monument, in order to pronounce judgments for the land, to give decisions for the land, to lead the needy aright, and I placed it before the statue of myself as king of righteousness, I, the king who is all powerful among the city kings. My words are splendid, my wisdom unrivalled."

(41<sup>75-99</sup>) "If that man [the future ruler] have wisdom, and desire to lead his land aright, let him give heed to the words which I have written on my monument. May this monument teach him (the right) pathway, (good) government, the judgments which I have judged for the land, (and) the decisions which I have given for the land. May he lead aright the blackheads, judge for them, decide for them, root out from his land the bad and the vile, promote the welfare of his people. I am Hammurabi, king of righteousness, to whom Samaš communi-

cated the laws. My words are splendid, my deeds are unrivalled."

That Šamaš is in Hammurabi's view the source of the law is thus demonstrated.

### 5. Imtahar, 'he reached an agreement' (1340,48).

The verb maharu, 'to face, be in front of,' occurs in the code in the derived sense 'to receive' (6<sup>54</sup> and several other times). In the form III, 2 (Ištafal) it occurs twice (24<sup>47,51</sup>) in the sense, 'to make oneself the equal or the superior of another,' i. e. 'to put oneself before another.' From the original meaning come the derivatives mahru, 'front,' mahar, 'before,' mahīru, 'price,' mitharu, 'agreeing,' mithariš, 'equally,' mithurtu, 'agreement,' tamhāru, 'battle,' i. e. 'meeting face to face, encounter.' Four times the code uses the form I, 2 (Ifteal). In two of these the meaning 'to receive' seems clear (18<sup>17,19</sup>), though the passage is somewhat difficult, and the word is commonly understood to have the same meaning in the two remaining passages.

These are in §§ 45 and 46, and relate to the payment of rent in case of damage by storm. Johns' renders § 45: "If a man has given his field for produce to a cultivator, and has received the produce of his field, and afterwards a thunderstorm has ravaged the field or carried away the produce, the loss is the cultivator's"; § 46: "If he has not received the produce of his field, and has given the field either for one half or one third, the corn that is in the field the cultivator and the owner of the field shall share according to the tenour of their contract." So essentially also Winckler, "Müller, "Kohler and Peiser, and Harper." These translations all agree with that of Scheil' in making the

<sup>&</sup>lt;sup>1</sup> The text of  $24^{51}$  is  $u\bar{s}$ -ta-tam-hi-ir, an unusual form, apparently a scribal error for  $u\bar{s}$ -tam-hi-ir. The scribe either wrote tam for am, the two signs being much alike; or, he started to write ta-am, and after writing ta still kept in mind tam instead of am, and wrote tam accordingly.

<sup>&</sup>lt;sup>2</sup> The Oldest Code of Laws, 1903.

<sup>&</sup>lt;sup>3</sup> Die Gesetze Hammurabis, 1903.

<sup>&</sup>lt;sup>4</sup> Die Gesetze Hammurabis, 1903.

<sup>&</sup>lt;sup>5</sup> Hammurabi's Gesetz, 1904.

<sup>&</sup>lt;sup>6</sup> The Code of Hammurabi, 1904.

<sup>&</sup>lt;sup>7</sup> Code des Lois de Hammurabi, 1902.

essential difference between § 45 and § 46 to lie in prepayment or non-prepayment of rent.

That this is really the point of difference between the two laws seems improbable for three reasons: 1. Prepayment was not the usage in the days of Hammurabi. The only exception to this rule in the code is in regard to a shepherd's wages (§ 264), but the text, and in consequence the translation, is doubtful. 2. Crop rent being paid in kind, prepayment naturally follows the ingathering of the crop. 3. It seems unjust that a tenant should suffer so severely in case of storm, simply because of prepayment of rent.<sup>1</sup>

Kohler and Peiser felt the difficulty, and consequently paraphrase the laws, contrary to their translation, thus: "He who hires a field [the tenant] for definite rent has to bear the loss in case of crop failure." "In letting on shares the crop is divided according to circumstances."

This paraphrase differentiates the two laws in a reasonable way. Can it be justified by the translation? The answer depends on the word *imtahar*, the usual meaning of which is 'he has received.' But from the primary meaning 'to face' might easily come derivative meanings 'to be equal to' (cf. the form III, 2 in kindred sense,  $24^{42,51}$ ), 'to be in agreement with' (cf. *mitharu*), 'to have an agreement concerning.' I would accordingly propose the following translation of the two laws in question:

#### § 45.

"If a man has given his field to a tenant for crop-rent, having agreed on (a definite) crop-rent for his field, (and) afterwards the storm god inundate the field, or destroy the produce, the loss falls on the tenant."

#### § 46.

"If he has not agreed on (a definite) crop-rent for his field, be it that he has given his field for a half or a third of the yield, the tenant and the owner of the field shall share the grain which shall be in the field according to what is produced (?)."

<sup>&</sup>lt;sup>1</sup> There is, however, a parallel in our own shipping laws, according to which, if the cost of freight has been prepaid, it cannot be recovered in case of shipwreck.

### 6. Zakáru, 'to say, mention' (412).

This stem occurs as verb six times in the code. It means always to 'name, say,' and only in connection with swearing 'to take an oath,' which applies to all the four cases in the Qal. In 41° we have the form IV, 1. The king says, i-na Esagila ša a-ra-am-mu šu-mi i-na da-mi-ik-tim a-na da-ar li-iz-za-ki-ir, 'In Esagila which I love may my name be mentioned with favor forever.' The translation, 'may my name be remembered with favor in Esagila forever' suggests deification of the king. This is not what he desires, but to be spoken of favorably by Marduk, or by the other gods in intercession with Marduk.

A similar wish, a little farther along, Hammurabi expresses in behalf of the man who reads the code and praises its author: "May the protecting deities, the gods who enter Esagila, daily in Esagila favor (his) plans(?) before Marduk my lord and Zarpanit my lady" (41<sup>48-58</sup>). That is, may the gods help forward his undertakings before the great gods of the temple, Marduk and Zarpanit.

With this passage must be compared the prayer in the next column addressed by Hammurabi to Belit, the wife of Bel of Nippur (4281-97). In E-Kur, the temple of Bel, the goddess appears only as intercessor, and she is entreated to induce Bel to overthrow any future king who should damage the code, or not conduct the state according to its provisions. "May Belit, the august mother, whose word is weighty in E-Kur, who favors my plans(?), in the place of judgment and decision turn his words to evil before Bel. May she put into the mouth of Bel, the king, the ruin of his land, the destruction of his people, (and) the pouring out of his life like water," i. e. may she induce Bel to decree these disasters. The kibitu in this passage is not a decree, but the word or request which Belit addresses to Bel in hostility to the man whom Hammurabi is cursing. The 'words' referred to are doubtless the man's prayer. These are to be turned to evil, lamanu II, 1. This stem is very common in Assyrian, especially in the form limnu, 'evil, wicked.'

A pretty close Hebrew parallel to this imprecation is Ps. 109<sup>7</sup>, "Let his prayer be turned to sin," הַפַּלְתוֹ תְהִיה לַחְטָאָה. Here, however, his prayer is to become sin without the intervention of another to make it such, unless indeed we combine the verse with the one before it.

"Set thou a wicked man (בְּשָׁיִי) over him: And let an adversary (בְּשָׁיִי) stand at his right hand. When he is judged let him come forth guilty; And let his prayer be turned to sin."

In E-Kur Bel is the commander, the autocrat, the determiner of destinies. The office of Belit, his companion, is to dispose him favorably or unfavorably to the interests of men. That is the picture here. At other times and in other inscriptions she has more active traits.